

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Nov 19, 2020

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

SCOTT S.,¹

Plaintiff,

v.

ANDREW M. SAUL, Commissioner of
Social Security,

Defendant.

No. 4:20-CV-5024-EFS

**ORDER GRANTING THE PARTIES'
STIPULATED MOTION FOR
REMAND PURSUANT TO
SENTENCE FOUR OF 42 U.S.C. §
405(g)**

On November 19, 2020, the parties filed a Stipulated Motion for Remand.²

The parties agree that the matter should be reversed and remanded to the Commissioner of Social Security pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings before an administrative law judge (ALJ) for a de novo hearing and a new decision as to Plaintiff Scott's application for disability payments under Title II of the Social Security Act. As part of this de novo hearing on remand, the ALJ is to develop the record, offer Plaintiff an

¹ To protect the privacy of the social-security Plaintiff, the Court refers to him by first name and last initial or by "Plaintiff." See LCivR 5.2(c).

² ECF No. 18.

1 opportunity for a new hearing, reevaluate the opinion evidence, including Dr.
2 Britt's medical opinions, further evaluate the third-party statement of Plaintiff's
3 wife, further evaluate Plaintiff's residual functional capacity, and obtain
4 supplemental vocational evidence, as needed. The parties also agree that Plaintiff
5 is entitled to reasonable attorney fees and costs under the Equal Access to Justice
6 Act, 28 U.S.C. § 2412(d), upon proper request to the Court.
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8 Consistent with the parties' agreement, **IT IS HEREBY ORDERED:**

- 9 1. The parties' Stipulated Motion for Remand, **ECF No. 18**, is
10 **GRANTED.**
- 11 2. Judgment shall be entered for **Plaintiff.**
- 12 3. This matter is **REVERSED** and **REMANDED** to the Commissioner
13 of Social Security for further administrative proceedings pursuant to
14 sentence four of 42 U.S.C. § 405(g). On remand, the ALJ is to conduct
15 a de novo hearing, including developing the record, offering Plaintiff
16 an opportunity for a new hearing, reevaluating the opinion evidence,
17 including Dr. Britt's medical opinions, further evaluating the third-
18 party statement of Plaintiff's wife, further evaluating Plaintiff's
19 residual functional capacity, and obtaining supplemental vocational
20 evidence, as needed, and then issue a new decision as to Plaintiff's
21 application.
22
- 23 4. All pending motions are **DENIED AS MOOT.**
- 24 5. All hearings and other deadlines are **STRICKEN.**
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1 6. If filed, the Court will consider Plaintiff's motion for fees and
2 expenses under the Equal Access to Justice Act.

3 7. The Clerk's Office is directed to **CLOSE** this file.

4 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order
5 and provide copies to all counsel.
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7 **DATED** this 19th day of November 2020.

8 s/Edward F. Shea
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10 EDWARD F. SHEA
11 Senior United States District Judge
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